

**PATENT**  
Attorney Docket No. 228161  
Client Reference No. JF-51US-D2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

SHINKAI et al.

Group Art Unit: unassigned

Divisional of

Application No. 10/151,813

Examiner: unassigned

Filing Date: April 15, 2004

For: CETP ACTIVITY INHIBITORS

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
  - the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
  - or*
  - the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).  
NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- This patent application was filed after June 30, 2003. Accordingly, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- A copy of the foreign search report is enclosed herewith.
- The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references.

In re Appln. of SHINKAI et al.  
Attorney Docket No. 228161

The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (CHECK ONE)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 10/151,813	May 22, 2002		X	
2. 09/367,299	December 23, 1999	X		
3.				

**Statement under 37 CFR 1.97(e)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- No fee** is owed by the applicant(s).
- The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- Attached is a check in the amount of \$ . . .
- Charge Deposit Account No. 12-1216 in the amount of \$ . . . (A duplicate copy of this communication is enclosed for that purpose.)

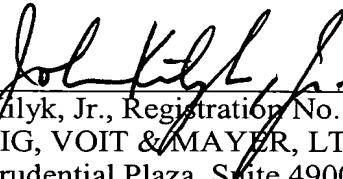
In re Appln. of SHINKAI et al.  
Attorney Docket No. 228161

**Authorization to Charge Additional Fees**

- If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- Credit Account No. 12-1216.  
 Refund

  
John Kilyk, Jr., Registration No. 30,763  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: April 15, 2004

IDS (Revised 5/21/03)

Please type a plus sign (+) inside this box →

PTO/SB/08A/B (10-96)  
Approved for use through 10/31/99. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO				<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number			
Sheet	1	of	2	Filing Date	April 15, 2004		
				First Named Inventor	SHINKAI, Hisashi		
				Group Art Unit			
				Examiner Name			
				Attorney Docket Number	228161		

U.S. PATENT DOCUMENTS								
Examiner Initials <sup>1</sup>	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Filing Date If Appropriate
		Patent Number	Kind Code					
AA	3,576,830			Toshitsugu et al.	04-27-1971			
AB	4,740,438			Krishnamurthy	04-26-1988			
AC	4,853,319			Krishnamurthy et al.	08-01-1989			
AD	5,118,583			Kondo et al.	06-02-1992			
AE	5,194,539			Charmot	03-16-1993			
AF	5,217,859			Boettcher et al.	06-08-1993			
AG	5,219,721			Klaus et al.	06-15-1993			
AH	5,350,667			Singer et al.	09-27-1994			
AI	5,405,969			Wright et al.	04-11-1995			
AJ	5,446,207			Pomponi et al.	08-29-1995			
AK	5,504,097			Malamas et al.	04-02-1996			
AL	5,534,529			Yoshida et al.	07-09-1996			
AM	5,542,974			Buding	08-06-1996			
AN	5,556,888			Koda et al.	09-17-1996			
AO	5,614,550			Yoshida et al.	03-25-1997			
AP	5,654,134			Morimura et al.	08-05-1997			
AQ	5,698,564			Katsuyama et al.	12-16-1997			
AR	5,776,951			Arrowsmith et al.	07-07-1998			
AS	5,925,645			Schmidt et al.	07-20-1999			

FOREIGN PATENT DOCUMENTS									
Examiner Initials <sup>1</sup>	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Translation
		Office	Number	Kind Code					
AT	CA	2000631			Engels et al.	04-15-1990			
AU	JP	45-11132			Unknown	04-22-1970			

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Examiner Signature	Date Considered
--------------------	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Please type a plus sign (+) inside this box →

PTO/SB/08A/B (10-96)  
Approved for use through 10/31/99. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>			
				Application Number			
				Filing Date		April 15, 2004	
				First Named Inventor		SHINKAI, Hisashi	
				Group Art Unit			
				Examiner Name			
Sheet	2	of	2	Attorney Docket Number		228161	

FOREIGN PATENT DOCUMENTS										
Examiner Initials <sup>1</sup>	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Translation	
		Office	Number	Kind Code					Yes	No*
AV	JP	47-35786								
AW	JP	1-321432			Konica Corp.	12-27-1989				
AX	JP	1-278543			Sanshin Kagaku Kogyo	11-08-1989				
AY	JP	2-23338			Fuji Photo Film Ltd.	01-25-1990				
AZ	JP	3-226750			Konica Corp.	10-07-1991				
BA	WO	92/03412	A		Rhone-Poulenc Rorer Ltd.	05-03-1992				
BB	WO	92/03408	A		Rhone-Poulenc Rorer Ltd.	05-03-1992				
BC	WO	96/09406	A		U.S. Dept. Health and Human Services	03-28-1996				

OTHER - NON PATENT LITERATURE DOCUMENTS					Translation		
Examiner Initials <sup>1</sup>	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.				Yes	No*
BD		ANTONOVA et al., <i>Dokl. Bulg. Akad. Nauk.</i> , 46 (1), 71-74 (1993).					
BE		CONNOLLY et al., <i>Biochem. Biophys. Res. Com.</i> , 223, 42-47 (1996).					
BF		DROZD, Z. <i>Org. Khim.</i> , 23 (2), 355-365 (1987).					
BG		EGAN et al., <i>Adv. Prostaglandin, Thromboxane, and Leukotriene Res.</i> , 11, 151-157 (1983).					
BH		HORI et al., <i>Heterocycles</i> , 9 (10), 1413-1418 (1978).					
BI		NAGARAJAN et al., <i>Indian J. Chem.</i> , 12 (3), 227-235 (1974).					
BJ		SIMOV et al., <i>Khim. Getero. Soed.</i> , 9, 1192-1195 (1976).					

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Examiner Signature		Date Considered
--------------------	--	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.